



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 7

In the Matter of:

Construction Trailer Specialists, Inc.
2535 Rose Parkway
Sikeston, Missouri 63801
EPA ID: MOR000038661,

Docket No. RCRA-07-2024-0124

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

Respondent.

EXPEDITED SETTLEMENT AGREEMENT

- 1) The U.S. Environmental Protection Agency ("EPA") is authorized to enter into this Expedited Settlement Agreement ("Agreement" or "ESA") pursuant to Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a), and 40 C.F.R. § 22.13(b).
2) The EPA has provided the State of Missouri with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
3) Construction Trailer Specialists, Inc. ("Respondent") is the owner or operator of the facility located at 2535 Rose Parkway, Sikeston, Missouri 63801 ("Facility"). The EPA inspected the Facility, on April 23, 2024. As a result of the findings during the inspection and additional investigation, the EPA alleges that Respondent violated the following requirements of the RCRA hazardous waste management program:
a. 10 C.S.R. 25-5.262(1), referencing 40 C.F.R. § 262.11, requires that a generator of solid waste must determine if that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations. At the time of the EPA inspection, two waste streams were identified for which the facility had not made a hazardous waste determination.
1. Approximately five waste aerosol cans located in a flammable storage cabinet in the Maintenance area. (CEI report page 5, Photo 1.)
2. Disposable wipes contaminated with brake cleaner in the Maintenance area. (CEI report page 5.)
b. 10 C.S.R. 25-5.262(1), referencing 40 C.F.R. § 262.34(a)(1)(i), requires that large quantity generators of hazardous waste (LQG) place hazardous waste in containers and the LQG complies with the applicable requirements of Subparts I, AA, BB, and CC of 40 C.F.R. Part 265. At the time of the EPA inspection, Respondent was accumulating hazardous waste paint related material in a satellite accumulation container near the paint booth. The hazardous waste paint related material was also

splattered on the wall, floor, and outside of the container, thus quantities of hazardous waste were not placed in the container. (CEI report page 7, Photos 19-25.)

- c. 10 C.S.R. 25-5.262(1), referencing 40 C.F.R. § 262.34(a)(2), requires that, for LQGs, the date upon which each period of hazardous waste accumulation begins is clearly marked and visible for inspection on each hazardous waste accumulation container. At the time of the EPA inspection, Respondent had not labeled three 55-gallon metal drums of hazardous waste paint related material located in the central accumulation area (CAA). (CEI report page 6, Photos 11-18.)
- d. 10 C.S.R. 25-5.262(1) referencing 40 C.F.R. § 262.34(a)(3), requires that, for LQGs, while being accumulated on-site, each container of hazardous waste must be labeled or marked clearly with the words “Hazardous Waste.” At the time of the EPA inspection, Respondent had not labeled or marked three 55-gallon metal drums of hazardous waste paint related material located in the CAA. (CEI report page 6, Photos 11-18.)
- e. 10 C.S.R. 25-5.262(1), referencing 40 C.F.R. § 262.34(c)(1)(i), which references 40 C.F.R. § 265.173(a), requires that, for LQGs, a satellite container holding hazardous waste must always be closed during storage except when it is necessary to add or remove waste. At the time of the EPA inspection, Respondent was accumulating hazardous waste paint related material in a satellite accumulation container near the paint booth, but the container was not closed. (CEI report page 7, Photos 19-20, 23-25.)
- f. 10 C.S.R. 25-5.262(1), referencing 40 C.F.R. § 262.34(c)(1)(ii), requires that an LQG mark its satellite container with either the words “Hazardous Waste” or with other words that identify the contents of the containers. At the time of the EPA inspection, Respondent was accumulating hazardous waste paint related material in a satellite accumulation container near the paint booth, but the container was not labeled. (CEI report page 7, Photos 19-20, 23-25.)
- g. 10 C.S.R. 25-16.273(1), referencing 40 C.F.R. § 273.13(d)(1), requires a small quantity handler of universal waste lamps to contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage. At the time of the EPA inspection, Respondent had accumulated four universal waste metal halide lamps with ballast housings and reflectors outside, on the west side of the facility, in and around 40-foot storage trailers. Respondent had also accumulated one universal waste metal halide lamp including ballast housing and reflector inside, northeast of the facility paint booth. These five spent lamps were not in closed containers. (CEI report pages 7-8, Photos 3-10.)
- h. 10 C.S.R. 25-16.273(1), referencing 40 C.F.R. § 273.15(a), allows small quantity handlers of universal waste to accumulate universal waste for no longer than one year

from the date the universal waste is generated. At the time of the EPA inspection, Respondent had accumulated universal waste lamps in a container marked with an accumulation start date of December 6, 2022, which was 119 days beyond the one-year limit. (CEI report page 7, Photo 2.)

- 4) In determining the amount of the penalty to be assessed, EPA has taken into account the factors specified in Section 3008 of RCRA, 42 U.S.C. § 6928. After considering these factors, EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of eleven thousand two hundred and fifty dollars (\$11,250.00) is in the public interest.
- 5) Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979078
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

- 6) A copy of the check or other information confirming payment shall simultaneously be emailed to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Milady Peters, Paralegal
peters.milady@epa.gov.

- 7) In signing this Agreement, Respondent: (a) admits that Respondent is subject to RCRA and its implementing regulations; (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) consents to electronic service of the filed ESA to the following email address: *jsanders@trailerbuilders.com*. Respondent understands that the ESA will become publicly available upon filing.
- 8) Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and Final Order.

- 9) By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (a) the alleged violations have been corrected, and (b) it is presently in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.*, its implementing regulations, and any permit issued pursuant to RCRA.
- 10) The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and to execute and legally bind Respondent to it.
- 11) Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. The EPA reserves the right to take any enforcement action with respect to any other past, present, or future violations of RCRA or any other applicable law.
- 12) The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.
- 13) Each party shall bear its own costs and fees, if any.
- 14) This Agreement is binding on the parties signing below.

IT IS SO AGREED,

THOMAS F. COLLINS
Name (print)

PRESIDENT
Title (print)

Thomas F. Collins 09/05/2024
Signature Date

APPROVED BY EPA:

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

Christopher Muehlberger, Attorney
Office of Regional Counsel

Date

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Expedited Settlement Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE
To be completed by EPA

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order, in the matter of Construction Trailer Specialists, Inc., EPA Docket No. RCRA-07-2024-0124, was sent this day in the following manner to the following addressees:

Copy via e-mail to Complainant:

Christopher Muehlberger, Office of Regional Counsel
muehlberger.christopher@epa.gov

Edwin Buckner, Enforcement and Compliance Assurance Division
buckner.edwin @epa.gov

Milady Peters, Office of Regional Counsel
peters.milady@epa.gov

Copy via e-mail to Respondent:

James Sanders
Plant Superintendent
Construction Trailer Specialists, Inc.
2535 Rose Parkway
Sikeston, Missouri 63801
jsanders@trailerbuilders.com

Copy via e-mail to the State of Missouri:

Charlene Fitch, Director (*charlene.fitch@dnr.mo.gov*)
Waste Management Program
Missouri Department of Natural Resources

Brandon Backus (*brandon.backus@dnr.mo.gov*)
Missouri Department of Natural Resources

Dated this _____ day of _____, _____.

Signed